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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/987,237	11/14/2001	Raymond Anthony Joao	RJV02	6410

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EXAMINER

REID, CHERYL M

ART UNIT	PAPER NUMBER
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2142

DATE MAILED: 06/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/987,237

Applicant(s)

JOAO, RAYMOND ANTHONY

Examiner

Cheryl M. Reid

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-40 is/are pending in the application. BP
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

PD

DETAILED ACTION

1. Claims 21-40 have been examined.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claim 21-24, 27-36, and 38-40 are rejected under 35 U.S.C. 102(e) as being anticipated by Adams et al hereinafter Adams (US 6898363).
3. In regards to claim 21, Adams teaches of a processing device, wherein the processing device is associated with a vendor or seller (Fig 1, item 10), wherein the processing device processes information regarding a transaction involving an individual and the vendor or seller regarding a service wherein the processing device generates a first message (Col 6, lines 45-55, Fig 1) wherein the first message contains transaction confirmation information, wherein the transaction confirmation information is the transaction offering documentation and further wherein the processing device generates a second message, wherein the second message contains information for providing the individual with notice of the existence of the first message (Col 3, lines 60-67); a memory device, wherein the memory device stores the first message (Col 4, lines 10-15, Fig 1, item 8); a transmitter, wherein the transmitter transmits the

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second message to a first communication device associated with the individual (Fig 1, item 34); and a receive (fig 1, item 8), wherein the receiver receives a request to receive the first message, wherein the request is transmitted from the first communication device or from a second communication device associated with the individual (fig 1, item 14 Col 8, lines 20-15), wherein by the user providing a password, implies a request for information and further wherein the apparatus transmits the first message to the first communication device or to the second communication device in response to the request(Col 8, lines 5-15, 30-50).

4. In regards to claim 22, Adams teaches of wherein the apparatus is a vendor computer (Fig 1, item 10) wherein the vendor is the lead bank.

5. In regards to claim 23, Adams teaches of wherein the first communication device or the second communication device is at least one of a home computer or personal computer (Col 6, lines 39-42, Col 11 lines 54-60, Col 18, lines 40-45).

6. In regard to claim 24, Adams teaches of wherein the first communication device or second communication device is a wireless device (Col 22, lines 50-55).

7. In regards to claim 27 and 28, Adams teaches of wherein the first message contains text information ,audio information and video information (Col 9, lines 30-36).

8. In regards to claim 29, Adams teaches of the first message contains a promotional message ...(Col 15, lines 12-15).

9. In regards to claim 30, Adams teaches of wherein the processing device processes an information request of a service (Col 23, lines 35-50) wherein the processing of the request is accomplished by downloading the document,wherein

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the apparatus transmits the third message (Col 25, lines 25-30) wherein the third message is the message report.

10. In regards to claim 31 and 32, Adams teaches of wherein the transaction involves at least one of a good....a security .. a bond..(Col 5, lines 10-20).

11. In regards to claim 33, Adams teaches of wherein themessage is transmitted on ... Internet and the world wide web (Col 8, lines 60-65).

12. In regards to claim 34, Adams teaches that the second message is transmitted on or over a wireless network (Col 22, lines 50-55).

13. In regards to claim 35, the second message is transmitted in at least one of an electronic transmission...(Col 11, lines 53-59).

14. In regards to claim 36, Adams teaches of wherein the apparatus provides for real-time....(Col 12, lines 20-30) wherein the lead bank is the vendor and the associate bank is the individual.

15. In regards to claim 38, Adam teaches of wherein the processing device generates a promotional message or advertisement .. audio clip...(Col 10-17, Col 9, line 37).

16. In regards to claim 39, Adams teaches of wherein the apparatus stores a plurality of first messages for the individual (Col 21, lines 30-35).

17. In regards to claim 40, Adams teaches of a processing device, wherein the processing device is associated with a vendor or seller (Fig 1, item 10), wherein the processing device processes information regarding a transaction involving an individual and the vendor or seller regarding a service wherein the processing device generates a

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first message (Col 6, lines 45-55, Fig 1) wherein the first message contains transaction confirmation information, wherein the transaction confirmation information is the transaction offering documentation and further wherein the processing device generates a second message, wherein the second message contains information for providing the individual with notice of the existence of the first message (Col 3, lines 60-67); a memory device, wherein the memory device stores the first message (Col 4, lines 10-15, Fig 1, item 8); a transmitter, wherein the transmitter transmits the second message to a first communication device associated with the individual (Fig 1, item 34) on or over one of the Internet ... (Col 8, lines 60-66) and wherein the first communication device is a wireless device (Col 22, lines 52-56); and a receiver (fig 1, item 8), wherein the receiver receives a request to receive the first message, wherein the request is transmitted from the first communication device or from a second communication device associated with the individual (fig 1, item 14 Col 8, lines 20-15), wherein by the user providing a password, implies a request for information and further wherein the apparatus transmits the first message to the first communication device or to the second communication device in response to the request (Col 8, lines 5-15, 30-50, Col 8, lines 60-67) and further wherein the first message is transmitted on or over at least one of the Internet and the World Wide Web (Col 8, lines 60-67).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 25-26 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adams as applied to claim 21 above, and further in view of Hillson et al herein after Hillson (US 6118860).

18. In regards to claim 25, Adams does not explicitly teach of wherein the first communication device or the second communication device is at least one of a videophone, a beeper, a pager, and a 3G Phone. Hillson teaches of a videophone communication device (Col 2, lines 25-40, Fig 1). It would have been obvious to one of ordinary skill in the arts at the time of invention to utilize Hillson's teaching of a videophone into Adam's invention because Adam's teaches of allowing a mobile user to transmit and receive information (Col 22, lines 50-55) and also transmitting video and audio data (Col 9, lines 35-40). Adding the above-mentioned feature would allow mobile uses to access video/audio information regardless of their location. One of ordinary skill in the arts would have been motivated to make the above-mentioned modifications because this modification would allow secure transmission between users over a global communication network which is an objective of Adam's invention (Col 3, lines 33-40).

19. In regards to claim 26, Adams does not explicitly teach of whereinan interactive television. Hillson teaches of an interactive television (Col 2, lines 25-40, Fig

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1) wherein examiner is interpreting television as any medium that can transmit visual images of moving and stationary objects, generally with accompanying sound, which is accomplished by the item in fig 1. The motivation that was discussed in claim 25 applies to claim 26.

20. In regard to claim 37, Adams teaches of providing hyperlinks (Col 9, lines 20-25) but does not explicitly teach of allowing an individual to pay a bill. Hillson teaches on this aspect (Col 5, lines 30-35). The motivation that was discussed in claim 25 applies to claim 37.

Conclusion

21. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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22. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cheryl M. Reid whose telephone number is 571 272 3903. The examiner can normally be reached on Mon- Fri (7-3:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dharia Rupal can be reached on (571)272-3880. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

cmr


BEATRIZ PRIETO
PRIMARY EXAMINER